

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:24-00127

HECTOR LUIS GOMEZ DEJESUS
RAYMOND LUIS SAEZ AVILES
GAMALIER RIVERA

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion of the United States to continue the trial in this matter. (ECF No. 103.) In support of the motion, counsel for the United States explains that he is scheduled to be out of the district for training at the National Advocacy Center from March 3, 2025, through March 6, 2025.¹

Because failure to grant the requested continuance would

¹ This is not the first motion to continue filed in this case and the instant motion was filed eight days before trial was scheduled to begin. While last-minute continuances sometimes cannot be avoided, it is unlikely that counsel for the government's training was scheduled yesterday or, for that matter, the other trial mentioned in the government's motion. Counsel are hereby reminded of their responsibility to move their cases along and that the practice of seeking last-minute continuances or failure to timely inform the court of the need for a change of plea hearing disrupts the court's schedule and complicates matters for the court family. For instance, in this multi-defendant case, two foreign language interpreters are required for trial and the Clerk's Office has to arrange for their presence at trial or any other hearing at which defendants appear.

likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the motion of the United States to continue. In deciding to grant the motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny . . . the United States continuity of counsel" Id. § 3161(h)(7)(B)(iv).

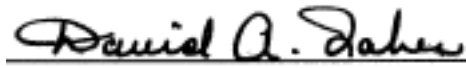
Accordingly, the court hereby **ORDERS** as follows:

1. A Status Conference will be held on April 23, 2025, at 10:00 a.m. in Bluefield.
2. Jury Instructions and Proposed Voir Dire are due by April 17, 2025;
3. Trial of this action is continued to April 24, 2025, at 9:30 a.m. in Bluefield; and
4. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 26th day of February, 2025.

ENTER:



David A. Faber

Senior United States District Judge